

Message Text

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TO AMEMBASSY MADRID

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E.O. 11652: N/A

TAGS: US, SP, MASS

SUBJECT: SPANISH-US POL ARRANGEMENTS: PROCEDURAL ANNEXES
11 AND 12

REFERENCES: A) MADRID 7542 (051618Z JULY 78)
--- B) JUSMG MAAG MADRID 081300Z JUNE 78
--- C) STATE 124173 (161748Z MAY 78)
--- D) JUSMG MAAG MADRID 031330Z MAY 78
--- E) STATE 89827)072109Z APR 78)
--- F) STATE 35187 (100022Z FEB 78)
--- G) JUSMG MAAG MADRID 221412Z MAR 78
--- H) JUSMG MAAG MADRID 220915Z MAR 78
--- I) JUSMG MAAG MADRID 021201Z DEC 77
--- J) JUSMG MAAG MADRID 021200Z DEC 77

1. WITH THE CHANGES (SEE REFS B, D AND F) NOTED BELOW, THE
SPANISH AND ENGLISH LANGUAGE VERSIONS OF PROCEDURAL
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ANNEX XI PROVIDED REFS H AND J RESPECTIVELY ARE CERTIFIED
AS BEING ESSENTIALLY IDENTICAL.

2. ENGLISH LANGUAGE VERSION OF CHANGES TO DRAFT PROCEDURAL
ANNEX XI:

-- A) PARAGRAPH 2: DELETE DESIGNATION "2.1".

-- B) PARAGRAPH 3: REWORD THE SECOND SENTENCE TO READ
"FOR SUCH PERIOD OF TIME AS THE TREATY IS IN FORCE,
SPAIN GUARANTEES TO THE UNITED STATES THE FOLLOWING
SERVICES:

3.1 (AS WRITTEN)

3.2 (AS WRITTEN)

3.3 (AS WRITTEN)

ADD NEW SUBPARA "3.4. OPERATION AND MAINTENANCE EXPENSES
RELATED TO THE ABOVE SERVICES WILL BE SUBJECT TO THE
REIMBURSEMENT OF AN AGREED AMOUNT."

C) PARAGRAPH 10: DELETE PHRASE "DURING THE PHASES OF
TRANSFER OF THE INLAND TERMINAL."

D) SEE PARAGRAPH 3-4 FOLLOWING ON SPARE PARTS ISSUE.

3. IT APPEARS FROM LIST OF SPARE PARTS SUBMITTED BY
16AF AND REPORTED IN HQ, USAF MESSAGE 151300Z JUNE 78
THAT NOT ALL SPARES DESIRED BY CAMPSA WILL QUALIFY AS
FOREIGN EXCESS PROPERTY. MOREOVER, SCREENING TO
DETERMINE ELIGIBILITY WOULD TAKE SEVERAL MONTHS.

4. SINCE SECOND SENTENCE OF SUBPARAGRAPH 11.2 OF
DRAFT PROCEDURAL ANNEX XI RELIES ON FOREIGN EXCESS
PROPERTY DISPOSAL AUTHORITY CONTAINED IN 40 U.S.C.
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512 (A), OUR ALTERNATIVES FOR RESOLVING THIS MATTER WOULD
APPEAR TO BE AS FOLLOWS:

A. SECURE CAMPSA AGREEMENT TO DROP REQUIREMENT FOR
SPARES AND DELETE SECOND SENTENCE OF SUBPARAGRAPH 11.2.

B. REDUCE LIST OF SPARES TO THOSE THAT WILL QUALIFY
FOR DISPOSAL AS FOREIGN EXCESS PROPERTY.

C. AMEND THE SECOND SENTENCE OF SUBPARAGRAPH 11.2 TO
OBLIGATE U.S. FORCES TO PROVIDE SPARES ON HAND IN
SPAIN FROM AN AGREED INVENTORY ON AN "AS REQUIRED" BASIS
TO KEEP TERMINALS OPERATIONAL FOR SUPPORT OF U.S. FORCES.
THIS WOULD REQUIRE U.S. FORCES TO MAINTAIN POSSESSION OF,
AND TITLE TO, THE "AGREED INVENTORY," AND ISSUE SPARES
FROM THE INVENTORY WHEN NEEDED. SPARES INCORPORATED
INTO SPANISH PROPERTY AFTER ISSUE BY THE U.S. FORCES
WOULD BECOME SPANISH PROPERTY BY OPERATION OF LAW.
AMENDED SECOND SENTENCE OF SUBPARAGRAPH 11.2 WOULD READ
AS FOLLOWS: IN ORDER TO ASSURE THAT THE INLAND TERMINALS
REMAIN OPERATIONAL, THE UNITED STATES FORCES WILL PROVIDE
FROM AN AGREED INVENTORY ON AN 'AS REQUIRED' BASIS,

AND AT NO COST TO CAMPSA, THE SPARE PARTS AND EQUIPMENT

ON HAND IN SPAIN AS OF THE EFFECTIVE DATE OF THIS ANNEX THAT ARE PECULIAR TO THE INLAND TERMINALS AND NECESSARY FOR THEIR OPERATION AND MAINTENANCE IN ACCORDANCE WITH SPECIFICATIONS OF THE UNITED STATES FORCES."

5. AFTER SPARE PARTS ISSUE IS RESOLVED IN ACCORDANCE WITH ABOVE GUIDANCE, REQUEST THAT FULL ENGLISH TEXT OF PROCEDURAL ANNEX XI AND RELATED EXCHANGES OF NOTES ON FINANCIAL CONTRIBUTIONS BE TRANSMITTED TO THE DEPARTMENT IN ORDER TO FACILITATE FINAL REVIEW PRIOR TO APPROVAL FOR SIGNATURE.

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6. SPANISH LANGUAGE VERSION OF CHANGES TO DRAFT PROCEDURAL ANNEX XI:

TRADUCCION AL ESPANOL DE LOS CAMBIOS EN LA VERSION EN INGLES DEL PROYECTO DE ANEXO DE PROCEDIMIENTO XI:

A. PARRAFO 2: ELIMINESE LA DESIGNACION "2.1"

B. PARRAFO 3: LA SEGUNDA FRASE DEBE DECIR: "DURANTE EL PERIODO EN QUE ESTE EN VIGOR EL TRATADO, ESPANA GARANTIZARA A LOS ESTADOS UNIDOS LOS SIGUIENTES SERVICIOS:"

SUBPARRAFO 3.1 (QUEDA IGUAL)

SUBPARRAFO 3.2 (QUEDA IGUAL)

SUBPARRAFO 3.3 (QUEDA IGUAL)

AGREGUESE UN NUEVO SUBPARRAFO 3.4: "3.4 LOS GASTOS DE FUNCIONAMIENTO Y MANTENIMIENTO RELACIONADOS CON LOS SERVICIOS ARRIBA MENCIONADOS ESTARAN SUJETOS AL REEMBOLSO DE UNA CANTIDAD ACORDADA."

C. PARRAFO 10: ELIMINESE LA FRASE "DURANTE LAS FASES DE TRANSFERENCIA DE LOS TERMINALES INTERIORES."

D. PARRAFO 11: CAMBIESE LA SEGUNDA FRASE DEL SUBPARRAFO 11.2 PARA QUE DIGA LO SIGUIENTE:

"A FIN DE GARANTIZAR QUE LOS TERMINALES INTERIORES PERMANEZCAN OPERACIONALES, LAS FUERZAS DE LOS ESTADOS UNIDOS SUMINISTRARAN, CONFORME A UN INVENTARIO ACORDADO, SOBRE LA BASE DE "SEGUN SE REQUIERA," Y SIN CARGO PARA LACAMPSA, LOS REPUESTOS Y EQUIPO DISPONIBLES EN ESPANA EN LA FECHA DEL PRESENTE ANEXO, QUE SEAN IDONEOS PARA

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LOS TERMINALES INTERIORES Y NECESARIOS PARA SU OPERACION
Y MANTENIMIENTO, CON ARREGLO A LAS ESPECIFICACIONES DE
LAS FUERZAS DE LOS ESTADOS UNIDOS."

7. THE SPANISH AND ENGLISH LANGUAGE VERSIONS OF
PROCEDURAL ANNEX XII PROVIDED REFS G AND I RESPECTIVELY
ARE CERTIFIED AS BEING ESSENTIALLY IDENTICAL. CHRISTOPHER

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Message Attributes

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